

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.
ALIESHA M. KELLOGG-FULGHUM,

Defendant.

NO. CR-07-0075-1-LRS

**ORDER DENYING GOVERNMENT'S
APPEAL AND REINSTATING
MAGISTRATE IMBROGNO'S RELEASE
ORDER**

BEFORE THE COURT is the government's motion appealing Magistrate Judge Imbrogno's Order Granting Motion to Consider Release Conditions and Amending Indictment for Defendant Aliesha M. Kellogg-Fulghum (**Ct. Rec. 83**). This motion was filed in the afternoon of June 29, 2007 and orally argued on July 19, 2007.

Having reviewed the pleadings, the complete record before Magistrate Imbrogno, and with the benefit of oral argument, the Court enters this order to memorialize and supplement the oral rulings of the Court on July 19, 2007.

Accordingly, **IT IS HEREBY ORDERED:**

For the reasons stated on the record on July 19, 2007, the government's appeal of the release order is denied. The Court notes that

1 the Defendant has no felony criminal history, and that she will live
2 with her mother upon release, Additionally, a \$15,000 corporate surety
3 bond must be posted. Defendant's criminal history does not reflect
4 violent behavior, except for an assault charge for which she received
5 a deferred prosecution. The government points out that Defendant has
6 failures to appear on her record. However, she still received a deferred
7 prosecution and relatively modest sentences in the matters involved.

8
9 Moreover, Magistrate Imbrogno's Order of Release (**Ct. Rec. 79**)
10 imposes a strict curfew on the Defendant, and the Defendant must **make**
11 **an appointment for a substance abuse evaluation immediately upon**
12 **release**. The Court notes that the crime Ms. Kellogg-Fulghum is accused
13 of is very serious, and given Defendant's lack of prior felony
14 convictions, Defendant has a great deal of incentive to appear for her
15 Court hearings. The Defendant is cautioned that **she must comply with all**
16 **conditions** of Magistrate Imbrogno's order.

17 Accordingly, **IT IS HEREBY ORDERED:**

18
19 1. Government's Motion for Reconsideration of Order Setting
20 Release Conditions (**Ct. Rec. 82**) is **DENIED**.

21 2. Magistrate Imbrogno's June 28, 2007 Order Granting Motion to
22 Consider Release Conditions and Amending Indictment (**Ct. Rec. 79**) is
23 **REINSTATED**.

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE